

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 On February 28, 2018, this Court issued an order (ECF No. 10), dismissing plaintiff's
11 complaint with leave to amend. In that order, Plaintiff was given a deadline of April 2, 2018 to file
12 an amended complaint. Plaintiff has made no further filings in this case. As Plaintiff has already
13 been given notice of the deficiencies in his complaint but has not filed a timely amended complaint,
14 the Court will recommend that the complaint be dismissed without prejudice.

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RECOMMENDATION

2 **IT IS HEREBY RECOMMENDED** that Plaintiff's complaint be dismissed without
3 prejudice.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

13 DATED: April 5, 2018

C.W. Hoffman, Jr.
United States Magistrate Judge